

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHAWN DRUMGOLD
Plaintiff,

v.

TIMOTHY CALLAHAN,
FRANCIS M. ROACHE,
PAUL MURPHY,
RICHARD WALSH, and
THE CITY OF BOSTON,
Defendants.

C.A. NO.: 04-11193NG

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION
TO EXCLUDE EVIDENCE OF HIS RELATIONSHIP WITH
RHONDA HAMILTON, MADALYNE HAMILTON,
SHAWN DRUMGOLD, JR., AND RASHAWNA DRUMGOLD**

Defendants oppose Plaintiff's motion to exclude evidence regarding his relationship with Rhonda Hamilton, Madalyne Hamilton, Shawn Drumgold, Jr. and RaShawna Drumgold (collectively, the "Hamilton/Drumgold" family), since the evidence is probative of Plaintiff's claim for damages¹ and moreover, since it is anticipated that Plaintiff will explain his post-shooting visit to New York City as reflective of his parental concern and care (rather than as part of an effort to dispose of firearms and/or obtain heroin). Defendants are entitled to cross examine Plaintiff on these issues, especially as Plaintiff's explanation of these events has shifted over time, and as the matter goes to Plaintiff's damages (both in his estrangement from his elder children and the question of his factual guilt or innocence in the Moore homicide).

¹ Defendants observe that in his motion, Plaintiff disclaims any intent to seek damages for estrangement with his two eldest children as a consequence of his conviction. However, in his submission to the Court in the joint Pretrial Memorandum, he claims damages including the "devastation" to his family caused by his incarceration.

WHEREFORE, the Defendants, Richard Walsh, Timothy Callahan, Francis M. Roache and the City of Boston, respectfully request that this Court DENY Plaintiff's Motion to exclude examination of witnesses, and Plaintiff, regarding his relationship with the Hamilton/Drumgold family.

RICHARD WALSH,

By his attorney,

/s/ Hugh R. Curran

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TIMOTHY CALLAHAN,

By his attorney,

/s/ Mary Jo Harris

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/s/ William M. White

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Defendants,

FRANCIS M. ROACHE and

THE CITY OF BOSTON,

By their attorneys,

/s/ John P. Roache

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DATED: February 8, 2008

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 8th day of February, 2008, I electronically filed with within document with the Clerk of the United States District Court for the District of Massachusetts, using the CM/ECF System. The following participants have received notice electronically:

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**For Defendants City of Boston and
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